

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11024-RWZ

JEANNE DEGAN

v.

GOLDWELL OF NEW ENGLAND, INC.

PRETRIAL ORDER

May 15, 2006

ZOBEL, D.J.

This matter having come before the Court at a pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and Kevin G. Powers, having appeared as counsel for plaintiff Jeanne Degan; and Jonathan R. Sigel, having appeared as counsel for defendant Goldwell of New England, Inc.; the following action was taken:

1. TRIAL

Trial is scheduled to commence on July 31, 2006, at 9 a.m. and is estimated to last five days.

2. JURY

The parties agreed to impanel eight jurors. Each side shall have four peremptory challenges. Counsel shall file proposed questions to the jury on voir dire by July 24, 2006.

3. ISSUES

The parties agree that the only issues to be tried are:

- a. whether defendant violated the Family Medical Leave Act, Americans with Disabilities Act, or Mass. Gen. Laws ch. 151B by terminating plaintiff's employment;
- b. the amount of damages. Plaintiff claims for lost earnings, pain and suffering and punitive damages.

4. WITNESSES

The only witnesses who will testify are:

FOR PLAINTIFF:

Jeanne Degan

Jan Slezak, M.D.

David Hallgren

Susan Pugh

Lisa Kelly

Tansi Plourde

Debra Wilson

Sara Duffy

FOR DEFENDANT:

David Bakey

Andrew Bartfield

Brooke Carlson

Jeanne Degan

John Foundas

Mary M. Garneau

Rhonda Greenough

Sheryl Holladay

Renee Shakour

Laurie Viapiano

Jon Shakour

5. EXHIBITS

Prior to the commencement of trial on July 31, 2006, counsel shall confer with each other concerning any exhibits each intends to offer and note any objections each may have to the exhibits of the other. All exhibits to which opposing counsel do not object shall be deemed to be admitted into evidence. Counsel shall mark these exhibits, prepare a listing thereof, and file two copies. Objected-to exhibits shall be marked for identification and listed separately.

6. Any motions in limine shall be filed by July 24, 2006.

7. REQUESTS AND QUESTIONS

On the first day of trial, July 31, 2006, counsel shall file:

- a. Requests for instructions; and
- b. Proposed questions to the jury on special verdict.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE